

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

AMANDA CARLISLE,

Plaintiff,

V.

**SPRING OAKS CAPITAL, LLC;
and FICTITIOUS DEFENDANTS “A”,
“B”, and “C”,**

Defendants.

)
) **CIVIL ACTION NO.**

NOTICE OF REMOVAL

Defendant, Spring Oaks Capital, LLC (hereinafter, “Spring Oaks” and “Defendant”), pursuant to 28 U.S.C. §1331, §1441, and §1146, hereby gives notice of the removal of the above-styled action from the Circuit Court of Jefferson County, State of Alabama, where it is now pending as Civil Case Number 01-CV-2023-903090.00, to the United States District Court for the Northern District of Alabama, Southern Division. As grounds for removal, Spring Oaks states as follows:

ALLEGATIONS OF THE COMPLAINT

1. On or about August 31, 2023, Plaintiff Amanda Carlisle (hereinafter, “Plaintiff”) filed a Complaint in the Circuit Court of Jefferson County, State of Alabama, in the civil action styled *Amanda Carlisle v. Spring Oaks Capital, LLC, et al.*, Civil Case Number: 01-CV-2023-903090.

2. Plaintiff's Complaint asserts claims against Spring Oaks under §1692d, §1692e, §1692e(8), §1692e(10), §1692f, and §1692f(1) of the Fair Debt Collection Practices Act, 15 U.S.C. §1692, *et seq.* with respect to Spring Oaks' attempts to collect an unpaid account from Plaintiff. *See*, Complaint.

REMOVAL PROCEDURES

3. In accordance with 28 U.S.C. §1446(a), a copy of all "process, pleadings and orders" received by Spring Oaks is attached hereto as Exhibit "A".
4. Defendant was served with the Summons and Complaint on January 22, 2024. This Notice of Removal is therefore timely filed pursuant to 28 U.S.C. §1446(b).
5. Jurisdiction of this action is based upon 28 U.S.C. §1331, §1441, and §1446, as amended. This Court has original federal question jurisdiction under 28 U.S.C. §1331 on the grounds that the Complaint purports to allege a cause of action under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692, *et seq.*
6. Pursuant to 28 U.S.C. §1441(a), this action is properly removable to this Court, which is the United States District Court for the district and division embracing Jefferson County, Alabama, where the state court action is pending. *See*, 28 U.S.C. §81(a)(3).

7. In accordance with 28 U.S.C. §1446(d), a copy of this Notice of Removal is being served on Plaintiff on this date and a copy of this Notice of Removal is being filed with the Clerk of Court for the Circuit Court of Jefferson County, Alabama.

FEDERAL QUESTION JURISIDCTION

8. This action presents a federal question on its face by asserting claims against Spring Oaks under the FDCPA, which is a federal consumer protection statute. *See*, Complaint; *see also* 15 U.S.C. §1692, *et seq.*; *Boone v. JP Morgan Chase Bank*, 447 F. App'x 961, 963 (11th Cir. 2011) (“Here, removal to federal court was proper because the district court had subject- matter jurisdiction based on the alleged violations of federal statutes including ... FDCPA”).
9. Accordingly, Plaintiff’s federal claims all arise under the laws of the United States and could have been originally filed in this Court.

SATISFACTION OF REMOVAL PREREQUISITES

10. Because this Notice of Removal was filed within thirty (30) days of service of the Complaint upon Spring Oaks, the removal is timely under 28 U.S.C. §1446(b).
11. The prerequisites for removal set forth in 28 U.S.C. §1441 have been met.
12. Written notice of the filing of this Notice of Removal will be given to the adverse party as required by law.

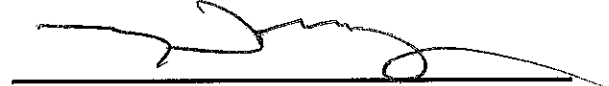
13. A Notice of Filing Notice of Removal, with a copy of this Notice of Removal attached, will be promptly filed with the Circuit Clerk for the Circuit Court of Jefferson County, Alabama.
14. The allegations of this Notice are true and correct and this cause is within the jurisdiction of the United States District Court for the Northern District of Alabama, Southern Division, and this cause is removable to the United States District Court for the Northern District of Alabama, Southern Division.
15. Plaintiff does not contest or otherwise oppose this Motion.
16. Should any question arise as to the propriety of the removal of this action, Spring Oaks respectfully requests the opportunity to submit a brief and present oral argument in support of its position that this case was properly removed. *Sierminski v. Transouth Fin. Corp.*, 216 F.3d 945, 949 (11th Cir. 2000).

CONCLUSION

For the reasons set forth above, Spring Oaks respectfully requests that this action be, and is hereby, removed to this Court, that this Court assume jurisdiction of this action, and that this Court enter such other and further orders as may be necessary to accomplish the requested removal. By filing this Notice of Removal, Defendant demonstrates its consent to the removal of this action to this Court and, upon receipt of this Notice, no further action shall be taken in the Circuit Court of Jefferson County, Alabama.

Dated: January 22, 2024

Respectfully submitted,



Neal D. Moore, III
(ASB-3971-M73N)
Attorneys for Defendant,
Spring Oaks Capital, LLC

OF COUNSEL:

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CERTIFICATE OF SERVICE

This is to certify that I have this date served a copy of the within and foregoing Defendant Spring Oaks Capital, LLC's Notice of Removal to the United States District Court for the Northern District of Alabama, Southern Division by depositing a copy of the same in the United States Mail in a properly addressed envelope with adequate postage thereon to:

John G. Watts, M. Stan Herring, and Patricia S. Lockhart
Watts & Herring, LLC
The Kress Building
301 19th Street North
Birmingham, Alabama 35203
Attorneys for Plaintiff, Amanda Carlisle



OF COUNSEL